

§ 6-708. Investigation of complaints and imposition of sanctions.

The opportunity to provide interpreter services to the courts under the direction of the State Court Administrator is at the Administrator's complete and continuing discretion because of the critical reliance the courts must have on the skills, performance, and integrity of the interpreter in performing duties for the court. This discretion applies to any interpreter who is certified or registered with the Administrative Office of the Court. A court interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and the public. In order to protect the integrity of court proceedings and the safety of the public, the Supreme Court authorizes the State Court Administrator to investigate complaints and impose sanctions.

(A) Grounds for Imposition of Sanctions. Any of the following may be grounds for imposition of sanctions against a certified or registered interpreter:

(1) Unprofessional or unethical conduct that violates the Code of Professional Responsibility (see Appendix 1);

(2) Conviction of any felony criminal charge. Conviction, within the past 5 years, of a misdemeanor criminal charge manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability. Dispositions of either felony or misdemeanor criminal charges other than by acquittal or dismissal (e.g., pretrial diversion), or the filing of a probation violation or the revocation of probation may also constitute grounds for suspension or revocation; and

(3) Incompetence as an interpreter.

(4) Failure to report in writing to the Statewide Language Access Coordinator any misdemeanor or felony charge, or motion to revoke probation within 5 business days.

(5) Failure to report in writing to the Statewide Language Access Coordinator within 5 business days any revocation or suspension of certification as a court interpreter in any other jurisdiction.

(B) Investigation and Notification of Grounds for Imposition of Sanctions. Upon receipt by the State Court Administrator of a complaint in writing against a certified or registered interpreter, or upon the initiation by the office of the State Court Administrator itself of a complaint, such complaint shall be investigated by the State Court Administrator. Upon receipt and initial investigation of any such complaint, if the State Court Administrator determines formal action is necessary, the Administrator may take any of the following formal actions:

(1) dismiss the complaint;

(2) allow the interpreter to retain certification for the pendency of the process and schedule a hearing to consider the complaint; or

(3) immediately suspend the certification of the interpreter and schedule a hearing to consider the complaint.

In any case where the State Court Administrator deems a hearing necessary, written notice of the complaint shall be sent by certified mail to the interpreter, and that interpreter shall have 15 days to file a written response with the Office of the State Court Administrator.

In any case where the State Court Administrator dismisses the complaint, written notice of the complaint and notice of its dismissal shall be sent by certified mail to the interpreter and the complainant.

(C) Scheduling of Hearing. If the State Court Administrator at the Administrator's complete and continuing discretion elects to schedule a hearing, such hearing shall be held within 45 days of the receipt by the State Court Administrator of the interpreter's written response. A panel of three individuals appointed by the Chair of the Language Access Committee shall be responsible for the conduct of the hearing. On the hearing panel, one of the judge members of the Language Access Committee shall preside over the hearing, together with one certified interpreter member of the Language Access Committee, and one court staff member of the Language Access Committee. If requested, any individual whose attendance is sought at the hearing shall be permitted to appear telephonically. Notice of the time and place of the hearing shall be given by certified mail to the interpreter under complaint, at least 15 days prior thereto.

(D) Conduct of Hearing. The hearing panel shall receive such information and/or documentation as it sees fit, including, if deemed appropriate by the panel, the taking of testimony. The rules of evidence do not apply to these hearings, and the interpreter is not entitled to representation by counsel. At the conclusion of the hearing, the panel shall within 45 days of the date of the hearing recommend in writing to the State Court Administrator any § 6-708(E) sanctions it determines appropriate.

(E) Sanctions. If the State Court Administrator, based upon the information and documentation provided in the complaint, the interpreter's response, and the hearing panel recommendation, determines sufficient cause exists, the State Court Administrator may within 45 days of receipt of the Hearing Panel's recommendation impose one or more of the following sanctions in order to protect the integrity of court proceedings and the safety of the public:

(1) Issue a written reprimand;

(2) Specify corrective action with which the interpreter must fully comply in order to remain on the statewide register of interpreters, including the completion of educational courses and/or re-taking one or more parts of the legal interpreting competency examination;

(3) Suspend the interpreter from serving as an interpreter in the Nebraska courts or Probation Services for a specified period of time, or until corrective action is completed; and

(4) Revoke the standing of and permanently prohibit the interpreter from serving as an interpreter in Nebraska courts or Probation Services.

(F) No interpreter who has been suspended or revoked shall be utilized as an interpreter in any State judicial proceeding in the State of Nebraska, nor shall such interpreter be entitled to

any compensation from the State Court Administrator's Office, during his or her suspension or revocation.

(G) Complaints made against a sign language interpreter shall be processed pursuant to the procedure set forth in Rules and Regulations Relating to Sign Language Interpreters adopted by the Nebraska Commission for the Deaf and Hard of Hearing.

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